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**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION.**

**PLAINTIFF'S EMERGENCY MOTION/PETITION TO APPEAL A DECISION OF
THE U.S.D.C.N.D.IL.,E.D., TO THE SUPREME COURT OF THE U.S.A. UNDER,
AND PURSUANT TO, F.R.A.P. 3(a)(1), 4(a)(1)(A), 5(a)(1)--(3), & F.R.A.P.
44(a) & (b), F.R.E. 703, 704, & 705, & 28 U.S.C. ss 1251(a)(3), ss 1253, & ss
1254 (1) & (2).**

**DR. RABBI K. A. ISRAEL, A/K/A/
DR. RABBI K. GARTH RICHARDSON,
THE BROTHER OF, AND SURROGATE
DECISION MAKER FOR,
MS. BEATRICE DEMETRICE GARTH,
A PLAINTIFF AND A DISABLED PERSON,
P.O. BOX 803241,
CHICAGO, ILLINOIS, 60680-3241
TELEPHONE: (773)-469-8207**

**) NOTICE OF THE PLAINTIFFS' CLAIM
) OF THE UNCONSTITUTIONALITY
) OF A STATUTE OF THE STATE OF
) ILLINOIS AND OF THE COUNTY OF
) COOK. _____
) CIVIL ACTION NO. 07-CV-07084
) _____
) HON. JUDGE C. R. NORGLER, SR.,
) HON. MAG. JUDGE A. KEYS.
) _____**

PLAINTIFFS,

) DAMAGES CLAIMED: \$\$100,000,000

VERSUS

(100-MILLION-DOLLARS; U.S.CURR.)

CIRCUIT COURT OF COOK COUNTY, ILL.,)

DOROTHY BROWN, CLERK OF THE CIR. COURT,))

MICHAEL S. DELANEY, ATTORNEY AT LAW,)

ETHEL MAE SPENCER,)

ERNESTINE ALLEN,)

ELVIE NELSON GARTH,)

LISA MADIGAN, ATTORNEY GENERAL OF ILL.,)

FILED

AUG 18 2008

NF

AUG 18 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

PAGE: 1-8.

COMES NOW THE PLAINTIFFS, DR. RABBI K. A. ISRAEL, AND HIS SISTER AND WARD, MS. BEATRICE DEMETRICE GARTH, THE LATTER BEING A PERSON WITH A DISABILITY, TO PRAY FOR LEAVE OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA TO FILE, AND FOR LEAVE OF THE COURT'S JUSTICES TO GRANT, "THE APPELLANT'S/PLAINTIFF'S PETITION/MOTION FOR PERMISSION TO APPEAL A DECISION OF THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION," AND;

(1)(A) "THE APPELLANT'S PETITION TO CORRECT THE DOCKET SHEET OF THE DISTRICT COURT IN ORDER TO SHOW THAT MS. BEATRICE D. GARTH IS ALSO A PLAINTIFF IN THE INSTANT ACTION," AND;

(1)(B) "THE PLAINTIFF'S MOTION/PETITION FOR REVIEW/APPEAL OF THE ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT WHICH PROHIBITS/RESTRICTS THE PLAINTIFF'S FROM FILING THIS INSTANT APPEAL IN THE U.S.C.A.-7, AS AN ABUSE OF DISCRETION IN THE LIGHT OF EVERY CLAUSE OF THE PLAINTIFF'S FIRST-AMENDMENT RIGHTS;" AND,

(1)(C) "THE PLAINTIFF'S/APPELLANT'S MOTION/PETITION FOR DISCOVERY TO COMMENCE IN THE INSTANT ACTION;" AND,

(1)(D) THE PLAINTIFF'S/APPELLANT'S MOTION/PETITION TO CORRECT THE DOCKET OF THE U.S.D.C.NO.D.IL.,E.DIV., TO SHOW THE TRUE AMOUNT OF THE DAMAGES SOUGHT BY THE PLAINTIFFS/APPELLANTS TO BE \$100,000,000.00 (ONE-HUNDERED-MILLION-DOLLARS: U.S. CURRENCY);" AND,

(1)(E) "THE PLAINTIFF'S/APPELLANT'S MOTION/PETITION FOR EXPERT WITNESSES TO APPEAR BEFORE THE SUPREME COURT;" AND,

(1)(F) "THE PLAINTIFF'S' MOTION TO INTRODUCE PHOTOGRAPHS AS EVIDENCE;" AND,

(1)(G) "THE PLAINTIFF'S/APPELLANT'S MOTION/PETITION TO RE-INSTATE ALL OF THE PLAINTIFF'S/APPELLANT'S PREVIOUS MOTIONS/PETITIONS AND SUBPOENAS, MOTION FOR CLASS-CERTIFICATION, AND MOTION FOR MULTI-DISTRICT LITIGATION," UNDER ALL APPLICABLE F.R.C.P.'S AND F.R.A.P.'S.

IN FURTHERANCE OF THE PLAINTIFFS' PRAYERS FOR LEAVE OF THE COURT, AND AS GROUNDS IN SUPPORT OF THE INSTANT MOTIONS, THE PLAINTIFFS STATE THE FOLLOWING:

(1.) THE DISTRICT COURT ORDERED THAT THE PLAINTIFFS SHOULD FILE AN AMENDED COMPLAINT BY THE DATE OF JULY 07, 2008, AND THE PLAINTIFF FILED THE AMENDED COMPLAINT ON JUNE 30, 2008.

MS. BEATRICE DEMETRICE GARTH APPEARS TO HAVE BEEN EXPOSED TO THE CLOSTRIDIUM BOTULINUM BACTERIUM TOXIN, A NEURO-TOXIN PROTEIN, PRODUCED BY THE BACTERIUM: CLOSTRIDIUM BOTULINUM;

(2.) THE BOTULINUM TOXIN IS ONE OF THE MOST POISONOUS NATURALLY OCCURRING SUBSTANCES IN THE WORLD, AND IT IS THE MOST TOXIC PROTEIN. FOOD-BORNE BOTULISM USUALLY RESULTS FROM THE INGESTION OF FOOD THAT HAS BECOME CONTAMINATED WITH SPORES (SUCH AS A PERFORATED CAN) IN AN ANAEROBIC ENVIRONMENT, WHICH ALLOWS THE SPORES TO GERMINATE AND TO GROW.

(3.) THERE ARE SEVEN SEROLOGICALLY DISTINCT TOXIN TYPES, DESIGNATED BY THE LETTERS (A) THROUGH (G). THE TOXIN IS A TWO-CHAIN POLYPEPTIDE, WHICH CONSISTS OF A "HEAVY-CHAIN," A DISULFIDE BOND, AND A "LIGHT-CHAIN." THIS "LIGHT-CHAIN" IS AN ENZYME (A PROTEASE) THAT ATTACKS ONE OF THE FUSION PROTEINS AT A NEURO-MUSCULAR JUNCTION, PREVENTING VESICLES FROM ANCHORING TO THE MEMBRANE AND, BY DOING SO, THEY INHIBIT THE RELEASE OF "ACETYLCHOLINE." BY INHIBITING ACETYLCHOLINE RELEASE, THE TOXIN INTERFERES WITH NERVE IMPULSES AND CAUSES FLACCID (SAGGING) PARALYSIS OF MUSCLES IN CASES OF BOTULISM, AS OPPOSED TO THE SPASTIC PARALYSIS EVIDENCED IN CASES OF TETANUS.

MS. BEATRICE DEMETRICE GARTH EVIDENCES SEVERE AND CONTINUING EXPOSURE TO THE ESCHERICHIA COLI SEROTYPE (0157:H7) BACTERIUM:

(4.) URO~PATHOGENIC ESCHERICHIA COLI IS RESPONSIBLE FOR APPROXIMATELY 90% (NINETY~PERCENT) OF ALL URINARY TRACT INFECTIONS SEEN IN INDIVIDUALS WITH ORDINARY ANATOMIES. IN ASCENDING INFECTIONS, FECAL BACTERIA COLONIZE THE URETHRA AND SPREAD UP THE URINARY TRACT TO THE BLADDER. BECAUSE WOMEN HAVE A SHORTER URETHRA THAN MEN, WOMEN ARE 14 (FOUR~TEEN) TIMES TO SUFFER FROM AN ASCENDING URINARY TRACT INFECTION.

URO~PATHOGENIC ESCHERICHIA COLI UTILIZES "P~FIMBRAE" (PYELONEPHRITIS~ASSOCIATED PILI) TO BIND TO URINARY TRACT ENDOTHELIAL CELLS AND THEREBY TO COLONIZE IN THE HUMAN BLADDER. THESE ADHESIONS SPECIFICALLY BIND TO "D~GALACTOSE MOIETIES" ON THE "(P) BLOOD GROUP ANTIGEN" OF ERYTHROCYTES AND URO~EPITHELIAL CELLS. APPROXIMATELY 1% OF THE HUMAN POPULATION LACKS THIS RECEPTOR, AND ITS PRESENCE OF ABSENCE DICTATES AN INDIVIDUALS SUSCEPTIBILITY TO ESCHERICHIA COLI URINARY TRACT INFECTIONS. URO~PATHOGENIC ESCHERICHIA COLI PRODUCE BOTH "ALPH HEMOLYSINS," AND "BETA~HEMOLYSINS," WHICH CAUSES LYSIS, OR RUPTURING, OF THE URINARY TRACT CELLS.

URO~PATHOGENIC ESCHERICHIA COLI CAN INVADE THE BODY'S INNATE IMMUNE DEFENSES (e.g. THE COMPLEMENT SYSTEMS) BY INVADING SUPERFICIAL UMBLELLA CELLS TO FORM INTRA~CELLULAR BACTERIAL COMMUNITIES (IBC'S). THEY HAVE THE ABILITY TO FORM "K~ANTIGEN," CAPSULAR POLY~SACCHARIDES THAT CONTRIBUTE TO BIO~FILM FORMATION. THESE BIO~FILM~PRODUCING ESCHERICHIA COLI ARE RECALCITRANT TO IMMUNE FACTORS AND TO ANTIBIOTIC THERAPY AND ARE OFTEN RESPONSIBLE FOR CHRONIC URINARY TRACT INFECTIONS. DESCENDING INFECTIONS OCCUR WHEN ESCHERICHIA COLI CELLS ENTER THE UPPER URINARY TRACT ORGANS, THE KIDNEYS, THE BLADDER OR URETERS, FROM THE BLOOD~STREAM.

MS. BEATRICE DEMETRICE GARTH SHOWS SEVERE, CHRONIC AND CONTINUING EVIDENCES OF HAVING BEEN EXPOSED TO STAPHYLOCOCCUS AUREAS BACTERIUM TOXINS:

(5.) STAPHYLOCOCCUS AUREAS BACTERIUM IS THE MOST COMMON CAUSE OF STAPH INFECTIONS. APPROXIMATELY 500,000 (FIVE~HUNDRED THOUSAND) PATIENTS IN AMERICAN HOSPITALS CONTRACT A STAPHYLOCOCCAL INFECTION EACH YEAR. STAPHYLOCOCCUS AUREAS BACTERIUM CAN CAUSE A RANGE OF ILLNESSES FROM MINOR SKIN INFECTIONS, SUCH AS PIMPLES, IMPETIGO, BOILS, CELLULITIS FOLLICULITIS, FURUNCLES, CARBUNCLES, SCALDED~SKIN~SYNDROME AND ABSCESES, TO LIFE~THREATENING DISEASES, SUCH AS PNEUMONIA, MENINGITIS, OSTEOMYELITIS ENDOCARDITIS, TOXIC~SHOCK~SYNDROME (TSS), AND SEPTICEMIA. STAPHYLOCOCCUS AUREAS BACTERIUM INCIDENCE IS FROM SKIN, SOFT~TISSUE, RESPIRATORY, BONE, JOINT, ENDOVASCULAR TO WOUND INFECTIONS.

DEPENDING ON THE STRAIN OF THE BACTERIUM, STAPHYLOCOCCUS AUREAS IS CAPABLE OF SECRETING SEVERAL TOXINS, WHICH CAN BE CATEGORIZED INTO THREE GROUPS. MANY OF THESE TOXINS ARE ASSOCIATED WITH SPECIFIC DISEASES.

PYROGENIC TOXIN SUPER~ANTIGENS (PTSAg'S): THESE TOXINS HAVE SUPER~ANTIGEN ACTIVITIES THAT INDUCE TOXIC~SHOCK~SYNDROME (TSS). THIS GROUP INCLUDES THE TOXIN (T.S.S.T.~1), WHICH CAUSES TOXIC~SHOCK~SYNDROME ASSOCIATED WITH THE USE OF TAMPONS. THE STAPHYLOCOCCAL ENTERO~TOXINS, WHICH CAUSE A FORM OF FOOD POISONING, ARE INCLUDED IN THIS GROUP.

EXFOLIATIVE TOXINS: THESE TOXINS ARE IMPLICATED IN THE DISEASE KNOWN AS "STAPHYLOCOCCAL~SCALDED~SKIN~SYNDROME," WHICH OCCURS MOST OFTEN IN INFANTS AND IN YOUNG CHILDREN. STAPHYLOCOCCAL SCALDED SKIN SYNDROME ALSO OCCURS AS EPIDEMICS IN HOSPITALS AND IN NURSERIES. THE "PROTEASE" ACTIVITY OF THE EXFOLIATIVE TOXINS CAUSES PEELING OF THE SKIN EVIDENCED IN STAPHYLOCOCCUS SCALDED SKIN SYNDROME.

STAPHYLOCOCCUS AUREAS BACTERIUM STRAINS THAT ACT ON CELL MEMBRANES INCLUDE "ALPHA~TOXIN," "BETA~TOXIN," "DELTA~TOXIN," AND SEVERAL BI~COMPONENT TOXINS. THE BI~COMPONENT TOXIN "PANTON~VALENTINE~LEUKOCIDIN," (P.V.L.), IS RESPONSIBLE FOR SEVERE NECROTIZING PNEUMONIA IN CHILDREN. THE GENES ENCODING THE

COMPONENTS OF (P.V.L.) ARE ENCODED ON A BACTERIOPHAGE FOUND IN COMMUNITY~ASSOCIATED "METHICILLIN~RESISTANT~STAPHYLOCOCCUS AUREAS" BACTERIUM STRAINS.

WHEREFORE, AND IN CONCLUSION, PLAINTIFFS PRAY FOR LEAVE OF THE COURT TO ORDER THAT MS. BEATRICE DEMETRICE GARTH BE TRANSFERRED TO "THE NORTH~WESTERN MEMORIAL HOSPITAL NEUROLOGY INTENSIVE CARE UNIT, 265 ST. CLAIR AVENUE, CHICAGO, ILLINOIS," FOR PROPER MEDICAL TREATMENT.

A COMPLETE CASE~FILE FOR THIS ACTION IS POSTED ON THE INTERNET AT: <http://medicalmalpractice.spaces.live.com/>

REFERENCES AND CITATIONS: THE SECOND ANTI~TOXIN IS "HEPTAVALENT (A, B, C, D, E, F, AND G,) BOTULINUM ANTI~TOXIN," WHICH IS DERIVED FROM "DESPECIATED" (EQUINE IgG) ANTIBODIES WHICH HAVE HAD THE (Fc) PORTION CLEAVED OFF THEREBY LEAVING THE F(ab')₂ PORTIONS. THIS IS A LESS IMMUNO~GENIC ANTI~TOXIN THAT IS EFFECTIVE AGAINST ALL KNOWN STRAINS OF BOTULISM WHERE NOT CONTRA~INDICATED. THIS ANTI~TOXIN IS IN THE POSSESSION OF, AND IS AVAILABLE FROM, THE UNITED STATES ARMY. ON JUNE 01, 2006, THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AWARDED A \$363 MILLION DOLLAR CONTRACT WITH "CANGENE CORPORATION" TO PRODUCE 200,000 DOSES OF "HEPTAVALENT BOTULINUM ANTI~TOXIN," OVER A PERIOD OF FIVE YEARS FOR DELIVERY INTO THE STRATEGIC NATIONAL STOCK~PILE BEGINNING IN THE YEAR 2007.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS, EASTERN DIVISION,

NOTICE OF MOTION.

HON. JUDGE CHARLES R. NORGLE, SR., PRESIDING.

HON. MAGISTRATE JUDGE ARLANDER KEYS.

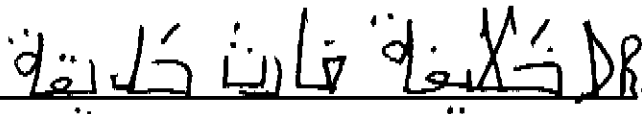
CIVIL ACTION NUMBER: 07-CV-07084.

PLEASE TAKE NOTICE, THAT ON AUGUST 18, 2008, THE PLAINTIFFS,

DR. RABBI K. A. ISRAEL, AND HIS SISTER AND WARD, MS. BEATRICE D. GARTH, FILED IN THE
OFFICES OF THE CLERK OF THE COURT, UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION, THE "PLAINTIFFS' EMERGENCY MOTION/PETITION
FOR PERMISSION TO APPEAL TO THE SUPREME COURT OF THE UNITED STATES OF AMERICA,"
IN THE HEREIN CAPTIONED ACTION, A COPY OF WHICH IS ATTACHED AND IS HEREBY SERVED
UPON YOU.

RESPECTFULLY SUBMITTED BY:

SIGNED: _____



DR. RABBI K. A. ISRAEL, A/K/A/

DR. RABBI K. GARTH RICHARDSON,

BIOCHEMICAL ENDOCRINOLOGY, MOLECULAR, &

AGRICULTURAL, GENETICS, U.S.A., INC.,

F.E.I.N. 80-0161535,

P.O. BOX 803241,

CHICAGO, ILLINOIS, 60680-3241.

TELEPHONE: (773)-469-8207.

DATE: AUGUST 18, 2008.

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS, EASTERN DIVISION.**

PROOF OF SERVICE.

PROOF OF SERVICE.

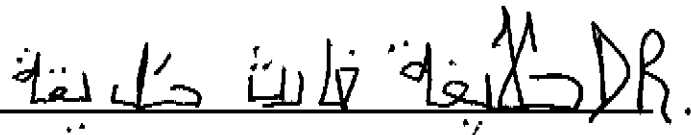
CIVIL ACTION NUMBER: 07-CV-07084. HON. JUDGE CHARLES R. NORGLER, SR., PRESIDING.

HON. MAGISTRATE JUDGE ARLANDER KEYS.

**I, THE UNDERSIGNED, THE PLAINTIFFS, CERTIFY THAT ON AUGUST 18, 2008, I SERVED
A COPY OF THIS NOTICE OF MOTION, AND A COPY OF THE MOTION/PETITION ITSELF
ATTACHED HERETO, EITHER VIA THE UNITED STATES DISTRICT COURT ELECTRONIC FILING
SYSTEM, OR, VIA THE UNITED STATES POSTAL SERVICE SYSTEM, REGULAR MAIL, POSTAGE
PRE-PAID, TO EACH PERSON TO WHOM IT IS DIRECTED, AT, OR BEFORE, 5:00 P.M..**

RESPECTFULLY SUBMITTED BY:

SIGNED:



DR. RABBI K. A. ISRAEL, A/K/A

DR. RABBI K. GARTH RICHARDSON,

BIOCHEMICAL ENDOCRINOLOGY, MOLECULAR &

AGRICULTURAL, GENETICS, U.S.A., INC.,

F.E.I.N. 80-0161535,

P.O. BOX 803241,

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TELEPHONE: (773)-469-8207.

DATE: AUGUST 18, 2008.